

REMARKS***Pending claims***

Claim 1 has been amended to more clearly point out and distinctly claim the invention. Claims 4 and 5 have been amended as suggested by the Examiner. New claims (Claims 18-22) have been added through this Amendment. These amendments do not contain new matter and are fully supported by the specification. Supports for the newly added claims 18-21 can be found on pages 46-48 and 70-71. After these amendments are entered, nineteen (19) Claims (claims 1 and 4-22) are pending.

Specification Objection

Applicants believe that, with the cancellation of the paragraph bridging page 31 and page 32, the first and second full paragraphs on page 32, the paragraph bridging page 32 and page 33, the first, second and third full paragraphs on page 33, and the paragraph bridging page 33 and page 34, the Examiner's specification objection has been overcome.

Claim Rejections Under 35 USC 112

Claims 1, 4-13, and 17 were rejected again under the 35 U.S.C. §112, first paragraph. The issue was whether there is any basis for the phrase "not covalently attached" in claim 1. Applicants has amended the claim 1, as suggested by the Examiner, to specify attachment mechanisms which are outlined by the specification. Applicants thank the Examiner for the suggestion and respectfully request withdraw of the rejection under the 35 U.S.C. §112, first paragraph, of claims 1, 4-13 and 17.

Claim 1 and 4-17 were newly rejected under the 35 U.S.C. §112, first paragraph. The Examiner stated that the phrase "provided each of the polymer and hydrophilic polymer is different from any one of the first polyionic material and the second polyionic material" appears to be new matter. This rejection of claims 1 and 4-17 is moot in view of the amendment of claim 1. Applicants respectfully request withdraw of the rejection under the 35 U.S.C. §112, first paragraph.

Rejections Under 35 USC 102(b)

Claims 1-2, 5-6, and 12-13 were rejected under 35 USC 102(b) as being anticipated by Nakagawa et al. (US Pat. 5,409,731). Claims 2-3 have been canceled through this Amendment and therefore this rejection over claims 2-3 is moot in view of this Amendment. The rejection over claims 1, 5-6 and 12-13 is respectfully traversed for the following reasons.

Applicants respectfully submit that the cited reference (Nakagawa et al.) does not disclose not suggest anything about covalently linking a layer of an anti-microbial agent or a polymerization

initiator capable of initiating a radical polymerization of ethylenically unsaturated compounds.

Therefore, Applicants submit that the claimed invention as currently claimed is not anticipated by Nakagawa, since the cited reference does not include every elements of the present invention as currently claimed. Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection.

Rejections Under 35 USC 103(a)

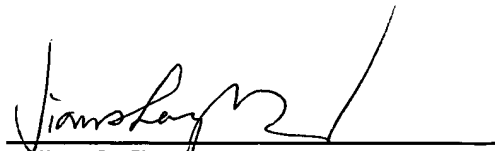
Claims 1, 4-13, and 17 were rejected under 35 USC 103(a) as being unpatentable over Sheu (US Pat. 5,807,636) in view of Wang et al. (6,011,082). The rejection over claims 1, 4-13, and 17 is respectfully traversed for the following reasons.

Neither the primary reference nor the secondary reference (Wang et al.) disclose or suggest anything about covalently linking a layer of an anti-microbial agent or a polymerization initiator capable of initiating a radical polymerization of ethylenically unsaturated compounds. Therefore, Applicants submit that the cited references do not provide any motivation to a person skilled in the art to make necessary changes to its disclosure to arrive at the present invention, the claimed invention as currently claimed is patentable over Sheu in view of Wang et al.. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection.

In view of the foregoing and in conclusion, Applicants submit that the 35 U.S.C. §112, §102 and §103 rejections set-forth in the Office Action have been overcome, and that the pending claims are not anticipated or obvious over the cited art, either individually or in combination. Applicants request reconsideration and withdrawal of the rejections set-forth in the Office Action.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,


Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

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CIBA Vision
Patent Department
11460 Johns Creek Parkway
Duluth, GA 30097